

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

KATHY M. BRYSON

(b) County of Residence of First Listed Plaintiff TARRANT
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Joel F. Handler, One East Wacker Dr., Suite 510, Chicago, IL 60601;
(312) 832-0008

DEFENDANTS

DAIICHI SANKYO, INC.

County of Residence of First Listed Defendant DENTON
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

Plaintiff has brought action for violation of her civil rights under Title VII of the Civil Rights Act of 1964, as amended

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) PENDING OR CLOSED:

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

7/2/2013

Joel F. Handler

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

KATHY M. BRYSON,)	
)	
Plaintiff,)	
)	
v)	No.
)	
DAIICHI SANKYO, INC.,)	Judge
)	Magistrate
Defendant.)	

**PLAINTIFF'S COMPLAINT VIOLATION OF BRYSON'S CIVIL RIGHTS
UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,
AS AMENDED BY THE CIVIL RIGHTS ACT OF 1991**

The Plaintiff, KATHY M. BRYSON (hereinafter referred to as "BRYSON"), and for her amended complaint against the Defendant, DAIICHI SANKYO, INC. (hereinafter referred to as "DAIICHI"), states:

1. This action is brought for damages sustained by BRYSON by reason of DAIICHI's violation of her civil rights under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.
2. BRYSON is a citizen of the United States and is a resident of the Northern District of Texas.
3. DAIICHI is a corporation organized and existing under the laws of the State of New Jersey and does substantial business in the Northern District of Texas.
4. At all times relevant hereto, DAIICHI had an office at 9 Village Circle #500, Westlake, Texas 76262.

5. At all times relevant hereto, DAIICHI was an “employer” within the meaning of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.

6. This Court has jurisdiction pursuant to 42 U.S.C. § 2000 (e-5)(f)(1) and pursuant to 28 U.S.C. § 1331 and 1343.

7. Venue is appropriate in this Court pursuant to 42 U.S.C. § 2000 (e-5)(f)(3).

8. On March 30, 2008, BRYSON began her employment as a District Manager for DAIICHI.

9. During BRYSON’s employment, it was the policy of DAIICHI not to discriminate against an employee on the basis of her sex.

10. Notwithstanding DAIICHI’s policy, commencing on or about April, 2011, DAIICHI engaged in a pattern and practice of sex discrimination against BRYSON and other female employees. This pattern and practice of sex discrimination was orchestrated and implemented primarily at the direction of Lerryn Tryzinski, Regional Manager.

11. For example, Tryzinski denied in June, 2011. BRYSON’s request to move a sales rep that she hired and trained and forced BRYSON to hire from outside of DAIICHI a person who was not as qualified as that sales representative.

12. Moreover, Tryzinski reprimanded BRYSON for expensing alcohol for a regional meeting when Tryzinski approved male district managers’ requests to expense alcohol at regional meetings.

13. Similarly, Tryzinski refused BRYSON's request on or about December, 2011 to expense developmental books for her team even though she granted the requests of male district managers for the same books.

14. Even though BRYSON was the recipient of the Gold Cup on two occasions and received platinum awards from this company, Tryzinski, nevertheless, required BRYSON to submit a developmental plan to improve her performance despite that she never asked a male district manager to submit such a plan.

15. Further, on February 6, 2012, Tryzinski and William Pruitt, Defendant's Human Resources Manager, terminated BRYSON purportedly for sending out an email to her team that referenced what a doctor had said about how to get Benicar through to managed care.

16. DAIICHI's concocted reason for terminating BRYSON was merely a pretext for its unlawful sex discrimination directed to her.

17. DAIICHI has, therefore, discriminated against BRYSON because of her sex in violation of her rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000 (e-2)(a)(1), as amended by the Civil Rights Act of 1991.

18. On or about December 26, 2012, pursuant to 42 U.S.C. Section 2000 (e-5) and regulations issued thereunder, BRYSON filed a complaint of discrimination with the Equal Employment Opportunity Commission.

19. Pursuant to her request, on or about May 13, 2013, BRYSON received her notice of right to sue. A true and correct copy of this notice of right to sue is attached hereto as **Exhibit A**.

20. Less than ninety (90) days have expired since BRYSON' receipt of this notice of right to sue.

21. DAIICHI's violation of BRYSON's rights under Title VII Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, has caused BRYSON pecuniary damages.

WHEREFORE, the Plaintiff, KATHY M. BRYSON requests that this Court enter judgment in her favor and against the Defendant, DAIICHI SANKYO, INC. as follows:

i. Enjoining DAIICHI from engaging in such unlawful employment practices as alleged in this complaint;

ii. Requiring DAIICHI to rehire BRYSON to her position of District Manager at a rate of pay comparable to what she would have been receiving if not for the civil rights violations committed against her by DAIICHI;

iii. Making BRYSON whole as to all salary, benefits and seniority status that would have been accrued but for the civil rights violations committed by DAIICHI;

iv. Alternatively, in the event, DAIICHI is unwilling to hire BRYSON, that BRYSON be awarded front pay;

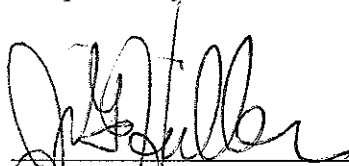
v. Awarding BRYSON compensatory and punitive damages in amounts authorized under Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991;

vi. Awarding BRYSON attorney's fees and costs pursuant to 42 U.S.C. Section 2000(e-5)(k) and pre-judgment interest; and

vii. Awarding BRYSON such other relief as this Court may deem appropriate.

THE PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully submitted,



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